

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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KEITH HERRON,	)	
	)	
Plaintiff,	)	
	)	No. 2:15-cv-02145-TLP-tmp
v.	)	
	)	
DAVID VOYLES, <i>et al.</i>	)	
	)	
Defendants.	)	

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION; ORDER  
GRANTING IN PART AND DENYING IN PARTY PLAINTIFF’S THIRD MOTION  
TO AMEND AND DENYING THE REMAINING MOTIONS**

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Before the Court is the Magistrate Judge’s Report and Recommendation (ECF No. 76) on the Motions to Amend the Complaint and a Motion to Strike, filed in forma pauperis by pro se prisoner Plaintiff Keith Herron (“Herron” or “Plaintiff”), and a Motion to Dismiss filed by the remaining Defendant, David Voyles (“Voyles” or “Defendant”). (ECF Nos. 19, 20, 28, 46, 72, 73.) In the Report and Recommendation, the Magistrate Judge recommends that Herron’s Third Motion to Amend and for Revision be granted in part and denied in part and that the remaining motions regarding amendment be denied.

Specifically, the Magistrate Judge recommends that the Court grant Herron leave to bring excessive force claims against Voyles based upon Herron’s allegations that (1) Voyles slapped him in the face and (2) that Voyles failed to prevent other officers from assaulting Herron. The Court recognizes that Herron would assert these claims in addition to the other claim against Voyles that survived the August 22 Order (ECF No. 15), which is namely the failure to provide medical treatment.

Pursuant to Federal Rule of Civil Procedure 72(b)(2), “[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2). No objections to the Report and Recommendation have been filed, and the time for filing objections has expired. *See* Fed. R. Civ. P. 5(b)(2), 6(d), 72(b)(2).

“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) advisory committee notes. On clear-error review of the Magistrate Judge’s Report and Recommendation, the Court hereby ADOPTS the Report and Recommendation (ECF No. 76) in its entirety.

Thus, the Court GRANTS Herron leave IN PART to file his proposed Third Amended Complaint in accordance with this Order and DENIES the remaining motions regarding amendment.

**SO ORDERED**, this 30th day of July, 2018.

s/ Thomas L. Parker  
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THOMAS L. PARKER  
UNITED STATES DISTRICT JUDGE